

JS 44 (Rev. 12/07) (cand rev 1-08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> Timothy Sanocki  <b>(b) County of Residence of First Listed Plaintiff</b> San Francisco (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> David S. Secrest (650) 726-7461 Law Offices of David S. Secrest 504 Plaza Alhambra, Suite 201 (P.O. Box 1029) El Granada, California 94081-1029		<b>DEFENDANTS</b> Serco Group PLC, Serco Inc., Raquel Sanchez, Keith Hulbert and Mike Henry  County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) Dana L. Peterson/Michael J. Burns/Sharon Ongerth Rossi SEYFARTH SHAW LLP (415) 397-2823 560 Mission Street, Suite 3100 San Francisco, California 94105																									
<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only) <table style="width:100%; border: none;"> <tr> <td><input type="checkbox"/> 1 U.S. Government Plaintiff</td> <td><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</td> </tr> <tr> <td><input type="checkbox"/> 2 U.S. Government Defendant</td> <td><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</td> </tr> </table>		<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> * Incorporated or Principal Place of Business In This State.</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3 Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input checked="" type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> * Incorporated or Principal Place of Business In This State.	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> 6
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<b>VI. CAUSE OF ACTION</b> <p>Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):          28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a)          Brief description of cause:          Wrongful term; violation of CFRA, retaliation, discrimination and intentional infliction of emotional distress       </p>																											
<b>VII. REQUESTED IN COMPLAINT:</b> <table style="width:100%; border: none;"> <tr> <td><input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23</td> <td><b>DEMAND \$</b></td> <td><b>CHECK YES only if demanded in complaint</b></td> </tr> <tr> <td></td> <td></td> <td><b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table>				<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b>	<b>CHECK YES only if demanded in complaint</b>			<b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
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<b>VIII. RELATED CASE(S) IF ANY</b> PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".																											
<b>IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)</b> <table style="width:100%; border: none;"> <tr> <td><input checked="" type="checkbox"/> SAN FRANCISCO/OAKLAND</td> <td><input type="checkbox"/> SAN JOSE</td> </tr> </table>				<input checked="" type="checkbox"/> SAN FRANCISCO/OAKLAND	<input type="checkbox"/> SAN JOSE																						
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SIGNATURE OF ATTORNEY OF RECORD:   
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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Facsimile: (415) 397-8549

Attorneys for Defendants  
SERCO GROUP PLC, SERCO, INC., improperly sued as  
SERCO, INC. DE; RAQUEL SANCHEZ;  
KEITH HULBERT; and MIKE HENRY

MHP

UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY SANOCKI,

Plaintiff,

v.

SERCO GROUP PLC, SERCO, INC. DE,  
PAUL CARPMAEL, an individual, RAQUEL  
SANCHEZ, an individual, KEITH HULBERT,  
an individual, MIKE HENRY, an individual,  
and DOES 1-50, inclusive,

Defendants.

Case No. 08-1074

[Removed from San Francisco Superior  
Court Case No. CGC-07-465608]

**NOTICE OF REMOVAL TO FEDERAL  
COURT UNDER 28 U.S.C. § 1441(a)  
(DIVERSITY JURISDICTION)**

TO THE UNITED STATE DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA AND TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332(a)(1), 1441(a) and 1446,  
SERCO INC., improperly sued as SERCO, INC. DE ("Serco Inc."), SERCO GROUP PLC  
("Serco Group"), RAQUEL SANCHEZ ("Sanchez"), KEITH HULBERT ("Hulbert"), and  
MIKE HENRY ("Henry") (collectively "Defendants") hereby remove the above referenced  
action from the Superior Court of the State of California for the County of San Francisco to the  
United States District Court for the Northern District of California.

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## SUMMARY OF ACTION

1. This removal involves an action that was filed in the Superior Court of the State of California for the County of San Francisco, entitled *Timothy Sanocki v. Serco Group PLC, Serco, Inc., De, Paul Carpmael, Raquel Sanchez, Keith Hulbert, Mike Henry, et al.*, Case No. CGC-07-465608. See Attached hereto as **Exhibits A and B**, to the Declaration of Sharon Ongerth Rossi ("Rossi Dec.") are a true and correct copy of Plaintiff's Complaint and First Amended Complaint, respectively. Plaintiff's First Amended Complaint contains five causes of action: (1) Wrongful Termination in Violation of Public Policy; (2) Violation of Rights under the California Family Rights Act ("CFRA"); (3) Discrimination and Discharge in Violation of the CFRA; (4) Retaliation in Violation of the CFRA; and (4) Intentional Infliction of Emotional Distress. See *id.*

## REMOVAL JURISDICTION

2. Legal Framework. This Court has original jurisdiction over this action under 28 U.S.C. §1332 because it involves citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. In support of this removal, Defendants make the following showing:

3. Developments that Render the Case Removable. In an important decision bearing directly on this removal and this Court's diversity jurisdiction, the California Supreme Court, on March 3, 2008, issued a decision in *Jones v. Lodge at Torrey Pines Partnership et al.*, 42 Cal. 4th 1158 (2008), a copy of this decree is attached at the Rossi Dec. at **Exhibit C**. In *Torrey Pines*, the California Supreme Court held that an individual supervisor may not be held personally liable for retaliation under the Fair Employment and Housing Act. The California Supreme Court denied rehearing and remittitur on April 30, 2008. Accordingly, the *Torrey Pines* holding became final on April 30, 2008. As a result of *Torrey Pines*, Plaintiff's Complaint does not contain any cause of action against Defendant Sanchez that could possibly lead to the imposition of liability in her individual

capacity. Therefore, Sanchez's citizenship should be disregarded for determining whether the parties are diverse for purposes of removal.<sup>1</sup>

4. Removal is Timely. This Notice is filed within 30 days after the *Torrey Pines* ruling became final and less than a year after July 30, 2007—the date on which Plaintiff filed his Complaint. Thus, removal is timely pursuant to 28 U.S.C. § 1446(b) and Federal Rules of Civil Procedure, Rule 6(a) because Defendants filed this petition less than a year after Plaintiff filed his Complaint. Further, Defendants filed this petition within thirty days from the date they learned of information unequivocally establishing that Plaintiff's claim of retaliation against Sanchez was not actionable. *See Mattel v. Bryant*, 441 F.Supp.2d 1081, 1089-90 (C.D. Cal. 2005)(notice of removal timely when filed within thirty days after Defendant learned of "unequivocally clear and certain information" supporting removal).

#### DIVERSITY JURISDICTION

5. Grounds for Jurisdiction. This is a civil action of which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441(a), in that it is an action between citizens of different states wherein the amount in controversy is in excess of the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

6. Plaintiff's Citizenship. Defendants are informed and believe that Plaintiff is, and has been at all times since the commencement of this action, a citizen and resident of State of California, San Francisco County. *See* Plaintiff's First Amended Complaint, ¶ 1. For diversity purposes, a person is a "citizen" of the state in which he is domiciled. *Kantor v. Wellesly Galleries, Ltd.*, 704 F.2d 1088, 1090 (9th Cir. 1983). A party's residence is *prima facie* evidence of her domicile. *State Farm Mut. Auto Ins. Co. v. Dyer*, 29 F.3d 514, 520 (10th Cir. 1994).

7. Defendant Carpmael's Citizenship is Irrelevant. Carpmael is no longer a party to this action as Plaintiff dismissed all claims against Carpmael on December 19, 2007. *See*

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<sup>1/</sup> Indeed, because of the *Torrey Pines* decision, all individually named Defendants should be dismissed from this civil action because no liability can possibly be assessed against them in their individual capacity.

1 **Exhibit D** to Rossi Dec. As such, Carpmael's citizenship is irrelevant for purposes of this  
2 Removal.

3 8. Defendant Serco Inc.'s Citizenship. Plaintiff names Serco Inc. as a defendant in  
4 each of his five causes of action. See Plaintiff's First Amended Complaint, ¶¶ 46-79. Pursuant  
5 to 28 U.S.C. § 1332(c)(1), "a corporation shall be deemed to be a citizen of any State by which it  
6 has been incorporated and of the State where it has its principal place of business." Serco Inc. is  
7 incorporated in New Jersey. See Rossi Dec., ¶ 8. As such, it is a citizen of New Jersey.

8 A corporation's principal place of business is determined by using one of two tests—the  
9 "place of operations" test and the "nerve center" test. See e.g., *Industrial Tectonics, Inc. v. Aero*  
10 *Alley*, 912 F.2d 1090, 1092 (9th Cir. 1990). The "place of operations" test examines which state  
11 "contains a substantial predominance of corporate operations." *Id.* at 1092. The Ninth Circuit  
12 "applies the place of operations test unless the [company's] activities do not substantially  
13 predominate in any one state." *Tosco Corp. v. Comm. For a Better Environment*, 236 F.3d 495,  
14 500 (9th Cir. 2001). Courts in the Ninth Circuit analyze "a number of factors to determine if a  
15 given state contains a substantial predominance of corporate activity, including the location of  
16 employees, tangible property, production activities, sources of income, and where sales take  
17 place." *Tosco Corp.*, 236 F.3d at 500. Another relevant factor is the location of the defendant's  
18 executive and administrative functions. *Arellano v. Home Depot U.S.A.*, 245 F. Supp. 2d 1102,  
19 1107 (S.D. Cal. 2003).

20 Serco Inc. is registered to business in nearly all fifty states. However, its central  
21 operations, major business units and corporate headquarters are located in Virginia. See Rossi  
22 Dec, ¶ 9. Thus, because Serco Inc.'s activities predominate in the State of Virginia the "place of  
23 operations test" applies. Under this test, Serco Inc. is a citizen of Virginia. See *Industrial*  
24 *Tectonics, Inc. v. Aero Alley*, 912 F.2d 1090, 1092 (9th Cir. 1990).

25 9. Defendant Serco Group's Citizenship. Plaintiff names Serco Group as a  
26 defendant in each of his five causes of action. See Plaintiff's First Amended Complaint, ¶¶ 46-  
27 79. A corporation created under the laws of a foreign state is deemed a citizen of the foreign  
28 state. A foreign corporation is also a "citizen of the state" in which it maintains its principal



1 place of business. *JP Morgan Chase Bank v. Traffic Stream (BVI) Infrastructure Ltd.*, 536 U.S.  
2 88, 92 (2002). Serco Group is incorporated in the United Kingdom. *See Rossi Dec.*, ¶ 10; *see*  
3 *also* Plaintiff's First Amended Complaint, ¶ 3. All of Serco Group's central operations, business  
4 units and its corporate headquarters are located in the United Kingdom. *See Rossi Dec.*, ¶11.  
5 Thus, the "place of operations" test applies. *Tosco Corp.*, 236 F.3d at 500. Pursuant to this test,  
6 Serco Group is a citizen of the United Kingdom. *See* 28 U.S.C. § 1332(c)(1).

7 10. Defendant Henry's Citizenship. Plaintiff names Henry as a defendant in only two  
8 causes of action—Retaliation in Violation of CFRA and Intentional Infliction of Emotional  
9 Distress. *See* Plaintiff's First Amended Complaint, ¶¶ 67-79. Henry was at the time of the filing  
10 of this action, and still is, domiciled in New Jersey. *See id.* Henry is, therefore, a citizen of New  
11 Jersey. *See Kantor*, 704 F.2d at 1090.

12 11. Defendant Hulbert's Citizenship. Like Henry, Plaintiff only named Hulbert as a  
13 defendant in his Retaliation and Intentional Infliction of Emotional Distress Causes of Action.  
14 *See* Plaintiff's First Amended Complaint, ¶¶ 67-79. Hulbert was at the time of the filing of this  
15 action, and still is, domiciled in Virginia, and is thus a citizen of Virginia. *See id.*, ¶ 10; *see also*  
16 *Kantor*, 704 F.2d at 1090.

17 12. Defendant Sanchez's Citizenship. Again, Plaintiff has only named Sanchez as a  
18 defendant his Retaliation and Intentional Infliction of Emotional Distress Causes of Action. *See*  
19 *id.* at ¶¶ 67-79. Sanchez was at the time of the filing of this action, and still is, domiciled in San  
20 Diego, California. *See id.* at ¶ 9. Thus, Sanchez is a citizen of California. *See Kantor*, 704 F.2d  
21 at 1090. However, as explained below, Sanchez's citizenship is irrelevant for purposes of this  
22 Removal.

23 13. Doe Defendants. The presence of Doe defendants in this case has no bearing on  
24 diversity with respect to removal. "For purposes of removal under this chapter, the citizenship of  
25 defendants sued under fictitious names shall be disregarded." 28 U.S.C. § 1441(a).

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28 ///

**BECAUSE SANCHEZ IS A SHAM DEFENDANT, HER CITIZENSHIP IS  
IRRELEVANT**

14. Joinder of Sanchez Is Fraudulent. For the reasons explained herein, Sanchez is not properly named as party because Plaintiff cannot establish liability against her. A defendant, who has been fraudulently joined, such as Sanchez, must be disregarded for removal purposes. "Fraudulent joinder is a term of art. If the plaintiff fails to state a cause of action against a resident defendant, and the failure is obvious according to the settled rules of the state, the joinder of the resident defendant is fraudulent." *McCabe v. General Foods Corp.*, 811 F.2d 1336, 1339 (9th Cir. 1987); *see also Lewis v. Time, Inc.*, 83 F.R.D. 455, 460 (E.D. Cal. 1979), *aff'd*, 710 F. 2d 549 (9th Cir. 1983) (court may disregard joinder and retain jurisdiction where joinder of non-diverse defendant is only a fraudulent device to prevent removal).

A defendant does not have to show that the joinder was for the purpose of preventing removal. Rather, the question is simply whether there is any possibility that the plaintiff will be able to establish liability against the party in question. *See Ritchey v. Upjohn Drug Co.*, 139 F.3d 1313, 1318-1319; *see also McCabe*, 811 F.2d 1336 (holding that discharged employee failed to state cause of action against individual supervisors, under California law, and thus their joinder of defendants was sham and their presence did not destroy diversity).

15. Plaintiff's Claims Against Sanchez Are Not Actionable. As explained above, the causes of action against Sanchez are: (1) Retaliation in Violation of the CFRA; and (2) Intentional Infliction of Emotional Distress. None of these claims are actionable as to this individual Defendant.

16. Retaliation Claims Are Not Actionable Against Individuals. Squarely addressing the issue of individual liability, the California Supreme Court has recently held that supervisors or managers cannot be liable for employment retaliation under the Fair Employment and Housing Act. *Jones v. Lodge at Torrey Pines Partnership et al.*, 42 Cal. 4th 1158 (2008). Because Plaintiff's claim for retaliation is plead under CFRA, and because CFRA is a part of the Fair Employment and Housing Act, Plaintiff's retaliation claim against Sanchez is without merit.

1 See CAL. GOVT. CODE §12940 *et seq.* As such, joinder of Sanchez as a defendant in this cause  
2 of action is fraudulent. *McCabe*, 811 F.2d at 1339.

3 17. Plaintiff's Intentional Infliction of Emotional Distress Claim Against Sanchez  
4 Cannot Stand. Plaintiff does not plead unique facts in support of his claim for Intentional  
5 Infliction of Emotional Distress. Instead, this cause of action is based on the same set facts plead  
6 to support Plaintiff's other claims—all of which relate to personnel decisions. A simple pleading  
7 of personnel management activity is insufficient to support a claim of intentional infliction of  
8 emotional distress, even if improper motivation is alleged. *Janken v. GM Hughes Electronics*, 46  
9 Cal. App. 4th 55, 80 (1996). Moreover, where an Intentional Infliction of Emotional Distress  
10 claim derives from employment actions involving termination, demotions or criticisms of work  
11 practices, the alleged conduct is deemed "a normal part of the employment work relationship"  
12 and is, therefore, barred by the exclusive remedy of the Workers' Compensation Act. See CAL.  
13 LABOR CODE § 3602; *Cole v. Fair Oaks Fire Protection Dist.*, 43 Cal.3d 148, 160 (1987). Thus,  
14 Plaintiff cannot state a cause of action against Sanchez for Intentional Infliction of Emotional  
15 Distress. As such, Plaintiff has fraudulently joined Sanchez as a defendant in this cause of  
16 action. *McCabe*, 811 F.2d at 1339.

17 Because Plaintiff has not alleged any cause of action against Sanchez that could possibly  
18 lead to the imposition of liability in her individual capacity, Sanchez's citizenship must be  
19 disregarded for purpose of determining whether the parties are diverse. In short, Defendant  
20 Sanchez's citizenship no longer prevents this Court from accepting removal of this case based on  
21 diversity jurisdiction.

#### 22 AMOUNT IN CONTROVERSY

23 18. The Amount In Controversy Exceeds the Jurisdictional Limit. While Defendants  
24 deny any liability as to Plaintiff's claims, the amount in controversy requirement is satisfied.  
25 In the Complaint, Plaintiff alleges that he has suffered and continues to suffer damages,  
26 including "lost earnings and other employment benefits" as well as "physical injuries, pain and  
27 suffering and extreme and sever mental aguish." Plaintiff's First Amended Complaint, ¶ 49.  
28 Plaintiff further alleges that he "has incurred and will continue to incur medical expenses for



1 treatment by physicians, psychiatrists, and other health professionals” *See id.* Additionally,  
 2 Plaintiff prays for punitive damages. Plaintiff’s First Amended Complaint, pg. 16:2. Requests  
 3 for punitive damages must be taken into account in ascertaining the amount in controversy.  
 4 *Davenport v. Mutual Benefit Health and Accident Assn.*, 325 F.2d 785, 787 (9th Cir. 1963).  
 5 Finally, Plaintiff prays for attorneys’ fees and costs. Plaintiff’s First Amended Complaint, pg  
 6 17:9. If attorneys’ fees are recoverable by statute or contract, then the fees claim is included in  
 7 determining the amount in controversy. *Goldberg v. CPC Int’l, Inc.*, 678 F.2d 1365, 1367 (9th  
 8 Cir. 1982), *cert. denied*, 459 U.S. 945 (1982).

9 In determining whether a complaint meets the amount in controversy threshold of 28  
 10 U.S.C. § 1332(a), a court should consider the aggregate value of claims for compensatory and  
 11 punitive damages. *See, e.g., Bell v. Preferred Life Assurance Soc’y*, 320 U.S. 238, 241 (1943)  
 12 (amount in controversy requirement met if plaintiff “might recover” award of compensatory and  
 13 punitive damages in excess of amount in controversy requirement). Accordingly, Plaintiff’s  
 14 alleged economic, compensatory, and punitive damages brings the total amount in controversy to  
 15 a sum “more likely than not” exceeding \$75,000.00, the jurisdictional minimum. *Sanchez v.*  
 16 *Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996).

#### 17 ORIGINAL JURISDICTION

18 19. This Court Possess Original Jurisdiction. Under 28 U.S.C. § 1332(a)(3), this  
 19 Court possesses original jurisdiction over this action because it involves an amount in  
 20 controversy in excess of \$75,000.00 and is between citizens of different states. Consequently,  
 21 the case is properly removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

#### 22 VENUE

23 20. Venue lies in the Northern District of California. This action was originally  
 24 brought in the Superior Court of the State of California, County of San Francisco. All of the  
 25 alleged wrongful conduct which Plaintiff complains of took place in San Francisco, California,  
 26 which is located in San Francisco County. *See* Plaintiff’s First Amended Complaint, ¶ 22-45. A  
 27 civil action founded on diversity jurisdiction may be venued in a judicial district in which a  
 28 substantial part of the events or omissions giving rise to the wrongful conduct occurred. 28

1 U.S.C. § 1391(a). San Francisco County is part of the Northern District of California. 28 U.S.C.  
2 § 84(a). Accordingly, venue is proper.

3 **NOTICE OF REMOVAL**

4 21. Compliance with 28 U.S.C. § 1446. Pursuant to 28 U.S.C. § 1446(d), Defendants,  
5 concurrently with filing this Notice of Removal, are filing a Notice of Removal with the Clerk of  
6 the Superior Court for the County of San Francisco. In addition, Defendants are serving  
7 Plaintiff's Counsel with a copy of the Notice of Removal. Pursuant to section 1446(a),  
8 Defendants shall submit to the Court "a copy of all process, pleadings, and orders" served upon  
9 Defendants in such action.

10 WHEREFORE, Defendants pray that this civil action be removed from the Superior  
11 Court of the State of California, County of San Francisco to the United States District Court for  
12 the Northern District of California.

13 DATED: May 30, 2008

SEYFARTH SHAW LLP

14 By   
15

Michael J. Burns

Sharon Ongerth Rossi

16 Attorneys for Defendants  
17 SERCO GROUP PLC, SERCO, INC.,  
18 improperly sued as SERCO, INC. DE;  
19 RAQUEL SANCHEZ; KEITH HULBERT;  
and MIKE HENRY

20 SFI 28323516.2